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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,431	12/13/2001	Christopher M. Benson	9903	5732

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EXAMINER	
LE, DANH C	
ART UNIT	PAPER NUMBER
2683	

DATE MAILED: 02/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/015,431

Applicant(s)

BENSON, CHRISTOPHER M.

Examiner

DANH C. LE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 November 2005.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-21 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Response to Amendment***

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

***Response to Amendment***

2. **Claims 1, 2, 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato (US 2001/0014870) in view of Dickson (US 20020138345).**

**As to claim 1**, Saito teaches a method of providing an advertisement for a store to a prospective customer (figure 1) comprising the steps of:

compiling an advertisement (a cryptographic, figure 4, processing unit 206 and paragraph 0085 for carry out cryptographic processing regarding the electronic coupon);

formatting the advertisement into a radio signal having a radio transmission protocol that is receivable by a personal device of a prospective customer, the personal device having a radio receiver enabled to receive the transmission protocol signal (paragraph 128-130, the radio base station 102 in figure 1, first transmits a display format inquiry message for inquiring which display contents description format can be

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displayed on a display screen of the portable terminal 105, to the portable terminal 105);  
and

transmitting the radio signal from the store to be received by a personal device  
(paragraph 128-130).

Sato fails to teach a signal strength is sufficient receiving from the source of the transmission. Dickson teaches a signal strength is sufficient receiving from the source of the transmission (paragraph 0018, 21, PDA interface 20 initiates short range, Bluetooth, infrared communication). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Dickson into the system of Sato in order to avoid the loss in signal strength.

**As to claim 2**, the combination of Sato and Dickson teaches the method of claim 1, wherein the step of transmitting the radio signal from the store includes transmitting the radio signal from the store to within a perimeter of the store (paragraph 0018, 0021).

**As to claim 5**, the combination of Sato and Dickson teaches the method of claim 1, wherein the step of formatting utilizes Bluetooth radio transmission protocol, and the radio receiver of the personal device is Bluetooth enabled (paragraph 0018, 0021).

**3. Claims 3, 4, 7-11, 13-17, 19, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saito and Dickson in view of Waters (US 2002/0008626).**

**As to claim 3**, the combination of Sato and Dickson teaches the method of claim 2, wherein the step of transmitting the radio signal from the store to within a perimeter.

The combination of Sato and Dickson teaches fails to teach the perimeter is outside of the store. Waters teaches the perimeter is outside of the store (figure 1, zone

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15, col.6, lines 39-54). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Waters into the system of Saito and Dickson in order to transmit an advertising display intended for tourist and motorists outside the store (as suggested by Waters at column 6, lines 39-54).

**As to claim 4**, the limitation of the claim is the same limitation of claim 3; therefore, the claim is interpreted and rejected as set forth as claim 3.

**As to claim 7**, Saito teaches an apparatus for providing an advertisement to a prospective customer (figure 4) comprising:

a storage device operative to store an advertisement (figure 4, 205);

a transmitter in communication with the storage device and operative to receive the advertisement from the storage device, the transmitter further operative to format the advertisement into a radio signal having a radio transmission protocol that is receivable by a personal device of a prospective customer having a radio receiver enabled to receive the transmission protocol signal (figure 4 and paragraph 128-130, "the radio base station 102 first transmits a display format inquiry message for inquiring which display contents description format can be displayed on a display screen of the portable terminal 105, to the portable terminal 105"); and

Saito fails to teach an antenna in communication with the transmitter and operative to transmit the radio signal from the store. Waters teaches an antenna in communication with the transmitter and operative to transmit the radio signal from the store (figure 2, 14 with antenna symbol). Therefore, it would have been obvious to one

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of ordinary skill in the art at the time the invention was made to provide the teaching of Waters into the system of Saito in order to send electronic coupon to the mobile inside and outside the store.

**As to claim 8**, Saito teaches the apparatus of claim 7, wherein the transmitter and antenna are operative to transmit the radio signal from the store to within a perimeter of the store (paragraph 58).

**As to claim 9**, the limitation of the claim is the same limitation of claim 3; therefore, the claim is interpreted and rejected as set forth as claim 3.

**As to claim 10**, the combination of Sato and Waters teaches the apparatus of claim 8, wherein the transmitter and antenna are operative to transmit the radio signal to an area outside of the store (figure 1, zone 15, col.6, lines 39-54).

**As to claim 11**, Saito teaches the method of claim 1, wherein the step of formatting utilizes Bluetooth radio transmission protocol, and the radio receiver of the personal device is Bluetooth enabled (paragraph 60).

**As to claim 13**, Saito teaches the system for store advertising (figure 4) comprising:

a storage device operative to store a store advertisement (figure 4, 205);

a transmitter located at the store and in communication with the storage device and operative to receive the advertisement from the storage device, the transmitter further operative to format the advertisement into a radio signal having a radio transmission protocol that is receivable by a personal device of a prospective customer

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having a radio receiver enabled to receive the transmission protocol signal (paragraph 128-129).

a receiver located at the store and operative to receive an incoming radio signal of the radio transmission protocol from the personal device of the prospective customer (figure 2, 121 and paragraph 66), and

Saito fails to teach an antenna located at the store and in communication with the transmitter and the receiver, the antenna operative to transmit the radio signal from the store and receive the incoming radio signal from the personal device. Waters teaches an antenna located at the store and in communication with the transmitter and the receiver, the antenna operative to transmit the radio signal from the store and receive the incoming radio signal from the personal device (figure 1 and 2, 14 with antenna symbol).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Waters into the system of Saito in order to increase the coverage area and send electronic coupon to the mobile inside the store at the same time to the tourist and motorist outside the store.

**As to claim 14**, the limitation of the claim is the same limitation of claim 8; therefore, the claim is interpreted and rejected as set forth as claim 8.

**As to claim 15**, the limitation of the claim is the same limitation of claim 3; therefore, the claim is interpreted and rejected as set forth as claim 3.

**As to claim 16**, the limitation of the claim is the same limitation of claim 10; therefore, the claim is interpreted and rejected as set forth as claim 10.

**As to claim 17**, Saito teaches the method of claim 1, wherein the step of formatting utilizes Bluetooth radio transmission protocol, and the radio receiver of the personal device is Bluetooth enabled (paragraph 60).

**As to claim 19**, Sato teaches a system for store advertising (figure 4) comprising:

a storage device operative to store a store advertisement (figure 4, 205);

a transmitter in communication with the storage device and operative to receive the advertisement from the storage device, the transmitter further operative to format the advertisement into a radio signal having a radio transmission protocol that is receivable by a personal device of a prospective customer having a radio receiver enabled to receive the transmission protocol signal;

Sato fails to teach an antenna located at or about a position proximate to the store and in communication with the transmitter and the receiver, the antenna operative to transmit the radio signal with a signal strength sufficient to be received by a personal device that is greater than 15 meters removed from the antenna. Waters teaches an antenna located at the store and in communication with the transmitter and the receiver, the antenna operative to transmit the radio signal from the store and receive the incoming radio signal from the personal device (figure 1 and 2, 14 with antenna symbol). Dickson teaches a signal strength is sufficient receiving from the source of the transmission when the PDA comes into a predetermined communication range of the interface PDA 20. The predetermined range may be defined as 15 meters removed from the antenna (paragraph 0018, 0021). Therefore, it would have been obvious to



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one of ordinary skill in the art at the time the invention was made to provide the teaching of Dickson and Waters into the system of Sato in order to avoid the loss in signal strength.

**As to claim 20**, the combination of Sato, Dickson and Waters teaches the system of claim 19, wherein the transmitter and antenna are operative to transmit the radio signal to a perimeter that is greater than about 50 meters from the antenna (the predetermined range may be defined 50 meters).

4. **Claims 6, 12, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saito and Dickson in view of Treyz et al (US 6,587,835).**

**As to claim 6**, Saito and Dickson teaches the method of claim 5, Saito fails to teach the step of formatting includes the step of providing an interactive component to the radio signal. Treyz teaches the step of formatting includes the step of providing an interactive component to the radio signal (col.66, lines 55-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Treyz into the system of Saito and Dickson in order to select the advertisement and responding to on-screen options on the handheld ((as suggested by Treyz at column 66, lines 55-67).

**As to claim 12**, the limitation of the claim is the same limitation of claim 6; therefore, the claim is interpreted and rejected as set forth as claim 6.

**As to claim 18**, the limitation of the claim is the same limitation of claim 6; therefore, the claim is interpreted and rejected as set forth as claim 6.

**5. Claims 21, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saito, Dickson and Waters in view of McGlade (US 5,327,230).**

**As to claim 21**, the combination of Sato, Dickson and Waters teaches the system of claim 19, further operative to transmit the radio signal to a perimeter that is about 50 meters from the antenna. The combination of Sato, Dickson and Waters fails to teach a distance is about 100 meters from the antenna. McGlade teaches a distance is about 100 meters from the antenna (col.12, lines 44-63). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Dickson and Waters into the system of Sato in order to avoid the loss in signal strength.

**As to claim 22**, the combination of Sato, Dickson and Waters teaches the system of claim 21, wherein the perimeter comprises an area within the store and an area outside of the store (Waters, figure 1, zone 15, col.6, lines 39-54).

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A. Marshall et al (US 2002/0046107) teaches wireless system for broadcasting, receiving, storing and selectively printing coupon and the like in a retail environment.

B. Azuma (US 2001/005845) teaches electronic advertisement receiving apparatus...distributed electronic advertisement contents.

C. Ortiz et al (US 2002/0042774) teaches credit management method and system.

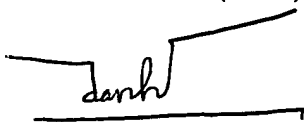
D. Black et al (US 2002/0138433) teaches advertising terminal.

E. Tsou et al (US 2002/0184089) teaches methods, devices, and systems for realtime instant presence with advertisement (RIPA).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANH C. LE whose telephone number is 571-272-7868. The examiner can normally be reached on 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WILLIAM TROST can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



February 18, 2006.  
DANH CONG LE  
PRIMARY EXAMINER